



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

440 West 200 South, Suite 500

Salt Lake City, UT 84101

<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:
3100/(UT-922000)

March 8, 2013

Certified Mail – 7011 1150 0000 6739 7453

Return Receipt Requested

DECISION

National Trust For Historic Preservation	:	Protest to the Inclusion of Certain
c/o Diane Orr, Conservation Committee	:	Parcels in the December 19, 2008
1785 Massachusetts Avenue NW	:	Competitive Oil and Gas Lease Sale
Washington, DC 20036		

Protest Dismissed

On November 4, 2008, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that 371 parcels of land would be offered in a competitive oil and gas lease sale scheduled for December 19, 2008. The NCLS also indicated that the protest period for the lease sale would end on December 4, 2008. Based on the recommendations from the BLM Utah Field Office Managers, 131 parcels were ultimately offered at the lease sale on December 19, 2008.

In a letter received by the BLM on December 4, 2008, the National Trust for Historic Preservation (NTHP) protested the following 16 parcels listed in the NCLS:

UTU86856 (UT1108-083)	UTU86852 (UT1108-331)	UTU86882 (UT1108-341)
UTU86876 (UT1108-086)	UTU86853 (UT1108-332)	UTU86883 (UT1108-342)
UTU86877 (UT1108-087)	UTU86860 (UT1108-335)	UTU86896 (UT1108-343)
UTU86850 (UT1108-328)	UTU86878 (UT1108-337)	UTU86898 (UT1108-345)
UTU86849 (UT1108-329)	UTU86879 (UT1108-338)	
UTU86851 (UT1108-330)	UTU86881 (UT1108-340)	

By errata issued by the BLM on December 2, 2008, portions of parcel UT1108-329 were deferred for additional review. As requested by the Hopi Tribe, BLM specifically deferred from leasing 22 parcels that were located within the area known as Nine Mile Canyon. Included in this request was a 120 acre portion of parcel UT1108-329 containing the northwestern boundary of the Nine Mile Canyon Area of Critical Environmental Concern (ACEC). The concerns raised in NTHP's protest regarding this parcel were addressed by this deferral.

By memorandum issued by the Secretary of the Interior on February 6, 2009, 77 parcels were withdrawn from the lease sale, including the following 15 parcels protested by the NTHP:

UTU86856 (UT1108-083)	UTU86852 (UT1108-331)	UTU86881 (UT1108-340)
UTU86876 (UT1108-086)	UTU86853 (UT1108-332)	UTU86882 (UT1108-341)
UTU86877 (UT1108-087)	UTU86860 (UT1108-335)	UTU86883 (UT1108-342)
UTU86850 (UT1108-328)	UTU86878 (UT1108-337)	UTU86896 (UT1108-343)
UTU86851 (UT1108-330)	UTU86879 (UT1108-338)	UTU86898 (UT1108-345)

As such, the NTHP protest concerning the 16 parcels is dismissed as moot.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and instructions contained in Form 1842-1 (Enclosure 1). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

/s/ Juan Palma

Juan Palma
State Director

Enclosure

1. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,
125 South State Street, Suite 6201, Salt Lake City, UT 84138

bcc: Lease Sale Book Dec08
Reading File UT-920
Central Files UT-950

UT922 pschuller:National Trust 1208 2-26-13

Enclosure 1
Form 1842-1